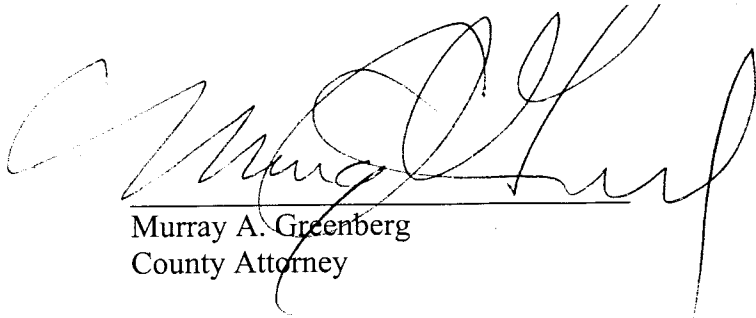


MEMORANDUM

Agenda Item No. 7(s)

TO:	Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners	(Second Reading 11-01-05) DATE: September 8, 2005
FROM:	Murray A. Greenberg County Attorney	SUBJECT: Ordinance pertaining to zoning regulation of signs and enforcement of sign regulations

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Katy Sorenson.



Murray A. Greenberg
County Attorney


MAG/bw

Memorandum



Date: November 1, 2005

To: Honorable Chairman Joe A. Martinez
And Members, Board of County Commissioners

From: George M. Burgess
County Manager 

Subject: Revised Fiscal Impact Statement pertaining to the zoning regulation of signs and enforcement of sign regulations Ordinance

This ordinance pertaining to zoning regulation of signs and enforcement of sign regulations by amending sections 33-82, 33-86, 33-92 and 8CC-10, and creating sections 33-121.28-121-33 of the Code of Miami-Dade County will have a fiscal impact to Miami-Dade County.

The implementation of the proposed ordinance potentially affects the operations of the Miami-Dade County Department of Planning and Zoning (DP&Z), Team Metro and municipalities. DP&Z would now be responsible for issuing compliance determinations for Class C (outdoor advertising) signs in both the unincorporated and incorporated area of Miami-Dade County. DP&Z would continue its current responsibility for the issuance of sign permits in unincorporated Miami-Dade County. Team Metro would continue to be responsible for enforcement of the minimum standards established in the County's sign code in the unincorporated area and in incorporated areas where municipal enforcement does not occur.

The proposed ordinance identifies the Busway Right-of-Way as a new corridor and prohibits Class C signs within the Right-of-Way. The ordinance does not create new regulations for Class A or Class B signs within the Right-of-Way.

The proposed ordinance also makes explicit the County's authority to enforce the minimum standards of Article VI of Chapter 33 of the Code of Miami-Dade County within municipalities. Historically, the Board has not given direction to enforce these provisions of the zoning code within incorporated areas; therefore, enforcement of the Sign Code by Team Metro has been exclusively within the Unincorporated Municipal Service Area (UMSA).

This report describes the fiscal impact should the Board decide to make a minor change of the current sign code enforcement policy. This scenario is presented following the discussion of code violations of Class C signs during the Infrastructure and Land Use Committee at its meeting of August 16, 2005. This impact estimates the added cost of expanding sign code enforcement within municipalities only to include Class C signs. All other type of reported sign code violations would be referred to the municipality for enforcement and the County's complaint case would be closed.

In this case, fiscal impact will be primarily in the way of modifications to the Team Metro Case Management System and the Geographical Information System (GIS) as complaint calls received through 311 may be referred to municipalities. These costs are estimated to be \$22,100.00. The cost of modification to the 311 Customer Service Request (CSR) software application cannot be estimated at this time. There is minimal cost impact to the day-to-day operation of code enforcement field staff. The Department of Planning and Zoning has already identified all Class C signs in Miami-Dade County and each municipality's sign code standards. This research will facilitate any enforcement necessary by Team Metro.

The fiscal impact of a policy direction that is broader than the scenario presented would depend upon the additional code sections to be enforced and the extent to which enforcement may be pursued. A broader policy on enforcement would likely require additional resources to maintain the current service levels and response rates for the unincorporated area. We cannot estimate this cost until a policy direction is determined by the Board.

Furthermore, if adopted and implemented, the impact of the proposed ordinance on municipalities will be limited. Under the current zoning code, municipalities are already required to meet the minimum standard established in the sign code for sign regulation in the unincorporated area and the incorporated area of Miami-Dade County. Under the proposed ordinance municipalities may not issue a Class C sign permit until the director of DP&Z has issued a written determination that the proposed Class C sign would be in compliance with spacing requirements and municipalities will be required to submit to the DP&Z copies of all sign permits within 30 days of issuance. The fiscal impact of providing expanded service would include the creation of a database and the purchase of a scanner for permit documents in order to archive the permit information at an estimated cost to DP&Z of (\$8,500).

The combined total fiscal impact to Miami-Dade County, if this ordinance is approved by the Board, is estimated at \$30,600.

Finally, violations of this ordinance may result in citations under Chapter 8CC. The costs of pursuing such violators may be recovered. Whether utilizing the enforcement mechanisms available under Chapter 8CC citations will result in additional revenue to the County is difficult to determine at this time.



Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: November 1, 2005

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 7(S)

Please note any items checked.

☒

"4-Day Rule" ("3-Day Rule" for committees) applicable if raised

6 weeks required between first reading and public hearing

☒

4 weeks notification to municipal officials required prior to public hearing

☐

Decreases revenues or increases expenditures without balancing budget

☐

Budget required

☐

Statement of fiscal impact required

☐

Bid waiver requiring County Manager's written recommendation

☐

Ordinance creating a new board requires detailed County Manager's report for public hearing

☐

Housekeeping item (no policy decision required)

☐

No committee review

Approved _____ Mayor

Agenda Item No. 7(S)

11-01-05

Veto _____

Override _____

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ZONING
REGULATION OF SIGNS AND ENFORCEMENT OF
SIGN REGULATIONS; CREATING SECTIONS 33-
121.28 – 33-121.31; AMENDING SECTION 8CC-10,
CODE OF MIAMI-DADE COUNTY, FLORIDA
("CODE"); PROVIDING PENALTIES; PROVIDING
SEVERABILITY, INCLUSION IN THE CODE AND AN
EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS
OF MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Division 7 of the Sign Code of Miami-Dade County, Florida, is hereby
created as follows:

>>DIVISION 7. BUSWAY RIGHT-OF-WAY

Sec. 33-121.28. Definitions.

(a) *Busway right of way map* shall mean an official map designating outside boundaries for the Miami-Dade Transit Busway for Miami-Dade County, Florida, which shall be certified by the Clerk of the Board as the official busway zoning right-of-way map, and which shall be maintained on file in the records of the Department of Planning and Zoning. The busway zoning map may from time to time be altered, enlarged, amended or deleted by ordinance.

(b) *Applicable regulations* shall mean any pertinent zoning or building ordinance or other legislation regulating the use of signs in the incorporated or unincorporated areas of Miami-Dade County.

(c) *Busway protected areas* shall mean all property in Miami-Dade County within three hundred (300) feet of the busway right-of-way.

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

5

(d) Sign shall mean any display of characters, letters, illustrations or any ornamentation designed or used as an advertisement, announcement or to indicate direction.

(e) Erect shall mean to construct, build, rebuild (if more than 50% of the support structure is involved), relocate, raise, assemble, place, affix, attach, paint, draw, or in any other manner bring into being or establish a sign.

Sec. 33-121.29. Signs prohibited in protected areas.

It shall be unlawful to erect, permit or maintain any Class C (outdoor advertising) sign in protected areas.

Sec. 33-121.30. Nonconforming signs.

Signs which have been lawfully erected prior to the effective date of this division may continue to be maintained as provided in Section 33-35 of this chapter.

Sec. 33-121.31. Variances.

Relief from the requirements of this section shall only be permitted pursuant to the requirements in Section 33-311(A)(4)(a) of the Code of Miami-Dade County. <<

Section 2. Section 8CC-10 of the Code of Miami-Dade County, Florida,
is hereby amended as follows:

Sec. 8CC-10. Schedule of civil penalties.

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

*

*

*

<i>Code Section</i>	<i>Description of Violation</i>	<i>Civil Penalty</i>
*	*	*
33-107	Failure to maintain the landscaping, or the Class C sign in good condition or the sign site free from trash and debris	\$[[1]]>>5<<00.00
33-107	Failure to remove Class C sign at cancellation of permit >> <u>First offense</u> <<	[[500.00]] >> <u>\$1,000.00</u> <<
>>33-107	<u>Failure to remove Class C sign at cancellation of permit</u> <u>Second offense</u>	<u>\$2,000.00</u>
<u>33-107</u>	<u>Exceeding maximum Class C Sign Size</u>	<u>\$1,000.00</u>
<u>33-107</u>	<u>Exceeding the maximum height for a Class C sign</u>	<u>\$1,000.00</u>
<u>33-107</u>	<u>Failure to meet setback or spacing requirements for Class C sign</u>	<u>\$1,000.00</u>
<u>33-121.12</u>	<u>Unlawfully erecting, permitting or maintaining a prohibited sign in a protected area</u>	<u>\$2,000.00</u>
<u>33-121.14</u>	<u>Failure to remove nonconforming sign</u>	<u>\$2,000.00</u>
<u>33-121.21</u>	<u>Unlawfully erecting, permitting or maintaining a prohibited sign in a protected area</u>	<u>\$2,000.00</u>
<u>33-121.24</u>	<u>Failure to remove nonconforming sign</u>	<u>\$2,000.00</u>

7

<u>33-121.29</u>	<u>Unlawfully erecting,</u> <u>permitting or maintaining a</u> <u>prohibited sign in a protected</u> <u>area</u>	<u>\$2,000.00</u>
<u>33-121.31</u>	<u>Failure to remove</u> <u>nonconforming sign</u>	<u>\$2,000.00<<</u>

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word “ordinance” may be changed to “section,” “article,” or other appropriate word.

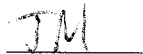
Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:
John McInnis



Sponsored by Commissioner Katy Sorenson